S.B. CIVIL MISC. APPEAL NO.643/2006
Date :: 11.05.2006

HON'BLE MR. JUSTICE BHAGWATI PRASAD

Mr.Sanjeev Johari, for the appellant.

Heard.

Learned counsel for Insurance Company raised question that the driver of the tempo was having licence of LMV i.e. Light Motor Vehicle and it was a transport vehicle, therefore, it was a case of invalid driving licence having possessed by the driver. The Insurance Company is not liable in view of Section 3 of the Motor Vehicle Act, 1988.

The necessity of driving licence is for all other kind of transport vehicles other than a motorcab or motor cycle, the tempo comes within the definition of motorcab because its capacity of carrying 6 passengers and the registered passenger carrying capacity of the tempo is around 6, therefore, the vehicle is covered by the definition of motorcab and Section 3 cannot be enforced. That being the position, the holder of the LMV licence is entitled to drive tempo.

That being the position, the claim of the Insurance Company is unsustainable, there is no force. Hence this appeal is dismissed.

[BHAGWATI PRASAD],J.

Ashwini/-